

FAX TRANSMITTAL

Deliver to: Dale Vodehnal
Fax Number 303-312-8897
From: DC Orr 406-293-4702
Date: July 22, 2002

SDMS Document ID**2030783****Number of pages including cover sheet: 2**

Best Garcia / Jim C.
Let's discuss how we
report.

Dale V.

Message: This is information for the above named recipient. Please contact me at the above number with any questions. Thank you, DC Orr

Mr. Vodehnal;

The secrecy between all parties involved killed my attempts to obtain a final restoration plan on this property. I could have avoided the exposures we suffer now if I had been allowed to participate. As a City of Libby resident, and downwind resident, I think it is fitting that this action be made public. If I am not allowed to view the work plan, I will cry "corruption" and you had better make sure that we never have these kind of exposures after the cleanup.

Thanks for your consideration. DC Orr

Confidentiality notice

The document accompanying this transmission contains confidential information which is legally privileged. This information is intended only for the use of the recipient named above.

Mr. Dale Vodehnal
999 18th Street Suite 300
Denver, CO 80202-2466

July 10, 2003

Dear Mr. Vodehnal;

I have included the copy of the State of Montana's violation notice for the problems at the Export Plant in Libby. I have been notified by Mike Hensler of MT Fish and Game that the City of Libby is in violation of their 124 permit and will send you a copy of that notice when I receive it also. In your letter dated July 2, 2003, you state that "the City of Libby and their construction crews did nothing wrong in excavating this area". With violations from two different State agencies, I think a more accurate statement would be that they did nothing RIGHT at the Export Plant, with one exception.

When City of Libby equipment operator Jason Place first encountered the contamination, he notified his supervisor. That was the right thing to do. It went downhill from there. Mr. Place's supervisor told him to bury the contamination, that is a direct violation of environmental law. I have never seen such a contempt for environmental law as when that supervisor forced his subordinate to take a buried, concentrated pocket of contamination and spread it over 700 feet of riverbank with some placed in the river. This is the worst single point exposure that Libby has suffered since the mine closed and the EPA has not taken steps to mitigate the ongoing exposure six weeks after the fact. There is still obvious contamination outside of the exclusion zones, EPA contractors are walking through piles of raw vermiculite to get to the porta-potty among other obvious exposures. Remember, this is a public park utilized by women and children, at least you could put up notices of the on-going exposure.

This lack of action may stem from the corruption being investigated by the IG that you mentioned, but the problems can be mitigated without compromising your fifth amendment right to avoid self incrimination. Please respond and tell me why no charges have been filed against the supervisor who tried to hide this mess, and thus created a bigger mess. I would further like to know why you continue to allow exposure from the contamination that is present outside the exclusion zone. I feel that the entire park should be sealed off until air monitoring has been done at the site. Could you further explain why it took one month for me to get a reply after reporting a release of a hazardous substance. WR Grace was directed to clean this site under Unilateral Administrative Order, why are they not being held accountable when I specifically told Paul Peronard there was contamination on the riverbank and he ignored my pleas to do soil testing there. I almost went to jail for asking for the final restoration plan at a City Council meeting, I predicted this disaster when I saw the extreme lengths that all involved parties would go to in an effort to hide this.

WR Grace has successfully installed the Mayor as the head of the Environmental Committee of the Healthy Communities Task Force. This well paid Grace operative will be providing information on the cleanup of several sites at the recently vacated 400 plus acre Stimson millsite. I am predicting more of the same problems at this site if we don't nip this in the bud now. You can expect more disasters like the Export Plant if you don't take action to open your dealings with the City of Libby to public scrutiny. The time for dealing in the smoke filled backrooms of City Hall is past.

It is my contention that you are obstructing this cleanup in an effort to hide EPA Region 8 complicity in this incident and the corruption leading to it. That is a direct threat to the health and welfare of this exposed and sensitized community, prolonging the remediation exponentially increases the exposures we suffer. I would like to see your work plan presented to the City Council in the next meeting so the public can see what you are proposing to do to our public lands to eliminate this pathway of exposure. Failure to do this simple task will expose your willingness to protect our Mayor from taking responsibility for the disaster his corruption has brought to this town. If you cannot, or will not, answer my questions in a timely fashion, please let me know where we can turn for help.

Thank you for your consideration of this important matter.

Sincerely, DC Orr

1117 Nevada Avenue
Libby, MT 59923

